

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

(1) I DIG TEXAS, LLC, a Texas limited liability  
Company;

Plaintiff,

vs.

Case No.4:22-cv-00097-JFH-JFJ

(2) CREAGER SERVICES, LLC, an Oklahoma  
limited liability company; and

(3) KERRY CREAGER, an individual;

Defendants.

(4) CREAGER SERVICES, LLC, an Oklahoma  
limited liability company;

Defendant/Counter-  
Plaintiff/ Third-Party  
Plaintiff,

(5) I DIG TEXAS, LLC, a Texas limited  
liability company;

Counter-Defendant,

AND

(6) AMAREKAN MANUFACTURING, LLC.,  
a Texas limited liability company;

(7) MAREKA HOLDINGS, LLC, a Texas limited  
Liability company;

(8) THOMAS MAREK, an individual; and

(9) MARY MAREK, an individual;

Third-Party Defendants.

**NOTICE OF REMOVAL OF STATE COURT ACTION  
TO UNITED STATES DISTRICT COURT**

**TO: THE HONORABLE CLERK OF THE UNITED STATES DISTRICT  
COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA**

PLEASE TAKE NOTICE that Defendants Creager Services, LLC and Kerry Creager (“Defendants”) have removed to the United States District Court for the Northern District of Oklahoma all claims and causes of action in the civil action styled *I Dig Texas, LLC, a limited liability company, v. Creager Services, LLC, an Oklahoma limited liability company and Kerry Creager, an individual*, Case No. CJ-2022-00193 (the “State Court Action”) now pending in the District Court for the State of Oklahoma, Tulsa County pursuant to 28 U.S.C. § 1454. A copy of all process, pleadings, and orders served upon Defendants to date in the State Court Action are attached as Exhibit 1.

Defendants’ grounds for removal are as follows:

**I. This Civil Action Includes a Claim or Right Arising under the Laws of the United States and Over Which the United States has Exclusive Jurisdiction.**

In their Answer and Counterclaims to Plaintiff’s Petition, Defendants assert claims for relief under the Copyright Act, 17 U.S.C. § 101 *et seq*, including copyright infringement and inducement of copyright infringement. Ex. 1 hereto, at pp. 22-23. A civil action in which any party asserts a claim for relief arising under any Act of Congress relating to copyrights may be removed to the district court of the United States. 28 U.S.C. § 1454(a). The district courts of the United States have exclusive jurisdiction over Defendants’ copyright claims and original jurisdiction over Defendants’ federal false designation of origin and unfair competition claims. 28 U.S.C. § 1338(a)–(b). Additionally, this Court has

supplemental jurisdiction over any remaining state law claims as they arise from the same case or controversy pursuant to 28 U.S.C. § 1367.

**II. This Notice of Removal is Timely, Complete, and Has Been Properly Served**

1. Defendants received formal notice of the State Court Action on February 4, 2022. Therefore, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

2. This Court has personal jurisdiction over the parties.

3. Defendants have provided written notice of this Notice to counsel of record for Plaintiff. A true and complete copy of this Notice will be filed in the State Court Action.

DATED: March 4, 2022

Respectfully submitted,

/s/ Evan W. Talley  
Evan Talley (OK Bar 22923)  
**DUNLAP CODDING, P.C.**  
609 West Sheridan Avenue  
Oklahoma City, OK 73102  
Tel: 405. 607.8600  
[etalley@dunlapcoddington.com](mailto:etalley@dunlapcoddington.com)

**CERTIFICATE OF SERVICE**

I certify that on March 4, 2022, a true and correct copy of the foregoing document was sent via US Mail, postage prepaid to the following:

Ronald Shinn, Jr.  
Zachary Oubre  
Nathan Arrington  
McAfee & Taft  
8<sup>th</sup> Floor, Two Leadership Square  
211 North Robinson Avenue  
Oklahoma City, OK

/s/ Evan W. Talley  
Evan W. Talley